



(b) (6)

(b) (6)

10/25/04 02:57 PM

Please respond to

(b) (6)

To: Julie Wroble/R10/USEPA/US@EPA

cc: Judy Smith/R10/USEPA/US@EPA, Alan

Goodman/R10/USEPA/US@EPA, Clifford Villa/R10/USEPA/US@EPA,

Dan Heister/R10/USEPA/US@EPA

Subject: Attachment Included (FW: RE: responses to your questions)

My apologies -- technical difficulties with the attachment. It should come through this time. My responses are in blue, italicized. hc

> [Original Message]

> From: (b) (6)

> To: Wroble.Julie@epamail.epa.gov <Wroble.Julie@epamail.epa.gov>

> Cc: <Smith.Judy@epamail.epa.gov>; <Goodman.Alan@epamail.epa.gov>;

> <Villa.Clifford@epamail.epa.gov>; <Heister.Dan@epamail.epa.gov>

> Date: 10/25/2004 2:37:47 PM

> Subject: RE: responses to your questions

> Ms. Wroble:

> I appreciate your taking time to respond since I was unable to be at the meeting on the 13th of October, (b) (6). Your responses are clear enough, and do not, I believe, warrant my following up by phone at this time. They are, however, as is Dr. Berman's report, vague and undefinitive.

> I have attached my interpretation of your comments as it regards further use of my property, for you and others in the EPA to consider (if it is at all helpful for you to understand more directly what it is like to try to live in this situation) while EPA personnel and the developers' consultants attempt to follow protocols to ultimately determine and/or perform a course of remedial action.

> I certainly understand the fine legal line EPA is attempting to "walk", although I strongly believe it has long since been crossed ethically by retaining Dr. Berman in any capacity by both EPA and the developer.

> Sincerely,

> (b) (6)

> > [Original Message]

> > From: <Wroble.Julie@epamail.epa.gov>

> > To: (b) (6)

> > Cc: <Smith.Judy@epamail.epa.gov>; <Goodman.Alan@epamail.epa.gov>;

> > <Villa.Clifford@epamail.epa.gov>; <Villa.Clifford@epamail.epa.gov>

> > Date: 10/21/2004 1:04:06 PM

> > Subject: responses to your questions

> > Mrs. (b) (6) :

> > Attached you'll find a response to the questions you raised about your family's activities at North Ridge Estates. I hope that you'll feel free to call me if the answers I've provided are unclear or if you have further concerns.

> > (See attached file: (b) (6) : response -ag_js.doc)

> >

USEPA SF



1219236

> > Julie Wroble
> > EPA Region 10
> > 1200 6th Avenue, OEA-095
> > Seattle, WA 98101
> >
> > 206/553-1079


ASBESTOSEVAL-1.doc

1. Does the testing performed thus far confirm that their exposure has been none, and that (b) and I and [our children] do not need to have any further worry about their health risk from living here, exposed to the asbestos?

The testing indicates that under certain activities that disturb the soil, asbestos fibers are released into the air, and may be inhaled by people doing the activities. Therefore, some exposure from past recreational activities likely has occurred. EPA believes that the risks posed by these activities are low enough that further response is not needed at this time. Rather, we plan on gathering additional data on nature and extent of contamination so that a long-term remedy can be selected.

Regarding the specific risks your family may have, I would expect that exposures are probably consistent with or lower than those estimated in Dr. Berman's *Final Soil Sampling Results and Preliminary Risk Assessment for the North Ridge Estates Site, Klamath Falls, Oregon* (September 28, 2004). However, actual risks may be higher or lower depending upon the specific exposures you and your family may have experienced.

Based on what you have just indicated regarding Dr. Berman's response and from what our personal family history has been at our present site in North Ridge Estates, I can only conclude that we, and particularly my children, would have had maximum possible exposure to these fibers. I can only hope that in future years, this will not result in long term health harm to my children, in particular, but obviously it will be several more years at least before that is known. They have played all over our property as well as many other lots, as young boys exploring, picnicking, riding bikes and scooters, playing soccer, baseball, football, throwing discus and putting shot, planting seeds, catching lizards, building "sand castles" and forts, and enjoying "king of the hill" and other active games, both while we were actively building the house, and since we have moved in.

2. At this point can my children begin playing on our property again as they have in the past -- using all of it, for activities such as building "junk forts" with the construction debris, playing "king of the hill" with their friends, practicing the shot-put and discus throws into our "back 40" which apparently contains one or more burial sites of ACM. All of these activities will definitely raise a tremendous amount of dust and airborne particles, as they have in past years.

Knowing what we now know about the nature of the construction materials that are present on the site, I would not recommend handling or disturbing the construction debris. Some of this debris contains asbestos and disturbance might result in the release of fibers into the breathing zone. EPA recommends that the precautions in the ODHS flyer "Reducing Your Exposure to Asbestos" for minimizing exposure to asbestos continue to be followed.

We will continue to relinquish use of all of our property, then, as we have since these guidelines were presented and this situation became known, with the exception of the paved driveway and grassed areas with no visible asbestos. Clearly their past activities have put my children at some elevated risk from exposure to asbestos fibers present on our property and those of our neighbors. We will also continue the suggested modifications to reduce risk of bringing fiber-containing particulates into the home on our persons.

3. Please answer these questions again, as if these were your children.

If they were my kids, I would explain that playing in areas with ACM on the soil surface or handling construction debris directly may cause them harm. If there are areas of your property that are free of ACM, then those would be the places where I would direct my kids to play.

My view of an acceptable, healthy childhood is NOT watching TV and limited effectively to indoor activities. Therefore this whole situation and process of "evaluating the risk" continues to have removed my freedom of choice regarding raising my children as I believe is best for them, and it clearly continues to substantially limit them regarding enjoying the freedom to be children and just play outdoors. We did not purchase property and build our home in this location with the intent to raise these kids with the same limitations one would find in an apartment/flat in downtown New York or San Francisco!

However, as my children have already been informed of the limitations to which you allude, and because they are older and relatively intelligent, we probably do not need to reiterate this for them. I will anyway, because it is very alarming. It is also frustrating and frightening to them. Frustrating, because we are active people, who moved to this area to provide our children with an alternate lifestyle to living on a small city lot where much of their play activities were restricted to playing indoor games and watching TV. Frightening, because what should be a haven, their home, now sounds to them like potentially deadly dangers lurk all around them and there is NO haven or respite.

Further, I am very resentful, personally, that despite the emplacement of laws to ostensibly "protect" us from harmful discharges of hazardous materials, the activities being pursued by EPA are effectively just challenging whether the laws are in fact accurate and worthy, and how much risk is acceptable and tolerable risk? The risk analyses have clearly indicated that there is an elevated risk potential on the North Ridge Estates site due to the improper disposal of the hazardous asbestos debris and limited pipe removal. Since technically acceptable methodologies do exist for remediating the site, and mitigating further risk to the residents, why are they not being pursued immediately? Quite clearly the main goal and rationale for this non-action can only be to minimize the cost to the responsible parties, and equally clearly, the best interest of the residents, is of minimal concern.

The bottom line in my mind is that it is **completely** unethical, lacks integrity, and smacks of fraudulence to force the families out here to continue to run the risks, both health and fiscal, to "prove" there is either no health risk, or a limited risk, from the improper, illegal disposal of a known carcinogen. Unfortunately, that seems to be the view promoted by the developers and their legal and technical consultants, who in turn, are working with and advising the EPA.

Because we who live here are stuck in this prison-like situation, unable to continue our normal daily routines as we would choose, and worried continually about the impact this whole situation has on our families, it is simply not ethical to follow some dry risk-based, analytical protocol that might work for an industrial site or an uninhabited disposal site. At this rate, my children will be gone to college, and we will still have no answers for them. This doesn't even beg the question of the impact they have experienced from curtailment of enjoyment of this time in their lives. It should be a time for happiness, a sense of accomplishment and looking forward to their futures as the older ones finish their high school years, but is instead a time of worry and concern, and uncertainty.

4. Should she move her 80-year old mother into this home ((b) Old Fort) at the present time, knowing her mom had cancer and was undergoing chemotherapy, had some lung / breathing problems during a recent hospitalization, and had been a smoker from her early teens until mid-50's?

I wouldn't expect an older person to experience adverse effects from the levels of asbestos in the air at this site, either indoors or outdoors. It appears as if only activities that disturb soil are associated with higher exposures, so unless she's an avid gardener, I probably wouldn't be too concerned. Lung/breathing problems could be exacerbated by exposures to fine particulates, so I would minimize the potential for exposure to dusts outdoors. Although smoking is a confounder with asbestos, I wouldn't expect that the low levels in air would pose too great a risk.

Due to the financial burdens placed upon us at this time, we really have no alternative but to move my mother to this location, our "home" in North Ridge Estates. While she is not sufficiently mobile to be throwing the discus or playing with the kids in our "back 40", I can not imagine how I can shield her from airborne particulates in this environment. In the absence of snow cover, they will blow into our house even when the windows are closed, because the wind blows that strongly. They will be picked up and circulated when our ceiling fans are on, and settled particles will be kicked up between vacuumings by foot traffic from the family. Even for her to plan to sit on the deck, for instance, would put her at risk, according to your assessment as I understand it. Finally, she lived with us for a time, while her home was being completed, and is concerned that some of her lung problems may be due to exposures at that time. Rightly or wrongly, clearly it is stressful for all of us who live here when we experience health problems relate.